

Part 3

Resort Spa Sublicense

32B-8-301 Commission's power to issue resort spa sublicense.

- (1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product on its premises as a resort spa sublicensee, a resort licensee or a person applying for a resort license shall first obtain a resort spa sublicense from the commission in accordance with this part.
- (2) The commission may issue a resort spa sublicense to establish a resort spa license within the boundary of a resort building for the storage, sale, offer for sale, furnishing, and consumption of liquor on premises operated as a resort spa.
- (3) The resort spa sublicense premises shall fall entirely within the boundary of a resort building.

Enacted by Chapter 276, 2010 General Session

32B-8-302 Specific licensing requirements for resort spa sublicense.

- (1) A person may not file a written application with the department to obtain a resort spa sublicense that is separate from the application of the resort license, unless the resort spa sublicense is being sought after the issuing of a resort license.
- (2) If a resort licensee seeks to add a resort spa sublicense after its resort license is issued, the resort licensee shall comply with Subsection 32B-8-204(3)(b).
- (3)
 - (a) A resort spa sublicense expires on October 31 of each year.
 - (b) A resort licensee desiring to renew the resort licensee's resort spa sublicense shall renew the resort spa sublicense as part of renewing the resort license.
 - (c) Failure to meet the renewal requirements for a resort license results in an automatic forfeiture of the resort spa sublicense effective on the date the resort license expires.

Enacted by Chapter 276, 2010 General Session

32B-8-303 Specific qualifications for resort spa sublicense.

- (1) A person employed to act in a supervisory or managerial capacity for the resort spa sublicense is subject to qualification requirements of Section 32B-8-203.
- (2) If a person no longer possesses the qualifications required by Section 32B-8-203 for obtaining the resort license or resort spa sublicense, the commission may suspend or revoke the resort spa sublicense that is part of the resort license.

Enacted by Chapter 276, 2010 General Session

32B-8-304 Specific operational requirements for resort spa sublicense.

- (1)
 - (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational Requirements, a resort licensee, staff of the resort licensee, or a person otherwise related to a resort spa sublicense shall comply with this section.
 - (b) Subject to Section 32B-8-502, failure to comply as provided in Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

- (i) a retail licensee;
 - (ii) staff of the retail licensee;
 - (iii) a person otherwise related to a resort spa sublicense; or
 - (iv) any combination of the persons listed in this Subsection (1)(b).
- (2)
 - (a) For purposes of the resort spa sublicense, the resort licensee shall ensure that a record required by this title is maintained, and a record is maintained or used for the resort spa sublicense:
 - (i) as the department requires; and
 - (ii) for a minimum period of three years.
 - (b) A record is subject to inspection by an authorized representative of the commission and the department.
 - (c) A resort licensee shall allow the department, through an auditor or examiner of the department, to audit the records for a resort spa sublicense at the times the department considers advisable.
 - (d) The department shall audit the records for a resort spa sublicense at least once annually.
 - (e) Section 32B-1-205 applies to a record required to be made, maintained, or used in accordance with this Subsection (2).
- (3)
 - (a) A person operating under a resort spa sublicense may not sell, offer for sale, or furnish liquor at a resort spa during a period that:
 - (i) begins at 1 a.m.; and
 - (ii) ends at 9:59 a.m.
 - (b) A person operating under a resort spa sublicense may sell, offer for sale, or furnish beer during the hours specified in Chapter 6, Part 7, On-Premise Beer Retailer License, for an on-premise beer retailer.
 - (c)
 - (i) Notwithstanding Subsections (3)(a) and (b), a resort spa shall remain open for one hour after the resort spa ceases the sale and furnishing of an alcoholic product during which time a person at the resort spa may finish consuming:
 - (A) a single drink containing spirituous liquor;
 - (B) a single serving of wine not exceeding five ounces;
 - (C) a single serving of heavy beer;
 - (D) a single serving of beer not exceeding 26 ounces; or
 - (E) a single serving of a flavored malt beverage.
 - (ii) A resort spa is not required to remain open:
 - (A) after all persons have vacated the resort spa sublicense premises; or
 - (B) during an emergency.
- (4) A minor may not be admitted into, use, or be on:
 - (a) the sublicense premises of a resort spa unless accompanied by a person 21 years of age or older; or
 - (b) a lounge or bar area of the resort spa sublicense premises.
- (5) A resort spa shall have food available at all times when an alcoholic product is sold, offered for sale, furnished, or consumed on the resort spa sublicense premises.
- (6)
 - (a) Subject to the other provisions of this Subsection (6), a patron may not have more than two alcoholic products of any kind at a time before the patron.

- (b) A resort spa patron may not have two spirituous liquor drinks before the resort spa patron if one of the spirituous liquor drinks consists only of the primary spirituous liquor for the other spirituous liquor drink.
 - (c) An individual portion of wine is considered to be one alcoholic product under this Subsection (6).
- (7)
- (a) An alcoholic product may only be consumed at a table or counter.
 - (b) An alcoholic product may not be served to or consumed by a patron at a bar.
- (8)
- (a) A person operating under a resort spa sublicense shall have available on the resort spa sublicense premises for a patron to review at the time that the patron requests it, a written alcoholic product price list or a menu containing the price of an alcoholic product sold or furnished by the resort spa including:
 - (i) a set-up charge;
 - (ii) a service charge; or
 - (iii) a chilling fee.
 - (b) A charge or fee made in connection with the sale, service, or consumption of liquor may be stated in food or alcoholic product menus including:
 - (i) a set-up charge;
 - (ii) a service charge; or
 - (iii) a chilling fee.
- (9)
- (a) A resort licensee shall own or lease premises suitable for the resort spa's activities.
 - (b) A resort licensee may not maintain premises in a manner that barricades or conceals the resort spa sublicense's operation.
- (10) Subject to the other provisions of this section, a person operating under a resort spa sublicense may not sell an alcoholic product to or allow a person to be admitted to or use the resort spa sublicense premises other than:
- (a) a resident;
 - (b) a public customer who holds a valid customer card issued under Subsection (12); or
 - (c) an invitee.
- (11) A person operating under a resort spa sublicense may allow an individual to be admitted to or use the resort spa sublicense premises as an invitee subject to the following conditions:
- (a) the individual shall be previously authorized by one of the following who agrees to host the individual as an invitee into the resort spa:
 - (i) a resident; or
 - (ii) a public customer as described in Subsection (10);
 - (b) the individual has only those privileges derived from the individual's host for the duration of the invitee's visit to the resort spa; and
 - (c) a resort licensee, resort spa, or staff of the resort licensee or resort spa may not enter into an agreement or arrangement with a resident or public customer to indiscriminately host a member of the general public into the resort spa as an invitee.
- (12) A person operating under a resort spa sublicense may issue a customer card to allow an individual to enter and use the resort spa sublicense premises on a temporary basis under the following conditions:
- (a) the resort spa may not issue a customer card for a time period that exceeds three weeks;
 - (b) the resort spa shall assess a fee to a public customer for a customer card;
 - (c) the resort spa may not issue a customer card to a minor; and

(d) a public customer may not host more than seven invitees at one time.

Amended by Chapter 297, 2011 General Session

Amended by Chapter 334, 2011 General Session